

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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XIAOYE BAI,

Plaintiff,

v.

CALVIN JOHNSON, *et al.*,

Defendants.

Case No.: 2:20-cv-02192-RFB-EJY

**ORDER**

Pending before the Court is Plaintiff's Motion for Leave to File Exhibit A and B ... Relevant to the Reply. ECF No. 122. Plaintiff seeks to seal "Exhibit A (Plaintiff's Medical Records) & Exhibit B ([t]he Declarations of NDOC Staffs) which ... [are] relevant to Plaintiff's Reply to ECF No. 114 Response." *Id.* Plaintiff states "these documents contains Plaintiff ... and the NDOC's staffs confidential records and information." *Id.* at 2.

As the party seeking to seal a judicial record, Plaintiff must meet his burden of overcoming the strong presumption in favor of access and public policies favoring disclosure. *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (holding that those who seek to maintain the secrecy of documents attached to dispositive motions must meet the high threshold of showing that "compelling reasons" support secrecy). The mere fact that the production of records may lead to a party's embarrassment, incrimination, or exposure to further litigation will not alone compel the court to seal its records. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1136 (9th Cir. 2003). Importantly, medical privacy also meets the compelling reason standard. *See, e.g., San Ramon Regional Med. Ctr., Inc. v. Principal Life Ins. Co.*, 2011 WL 89931, at \*n.1 (N.D. Cal. Jan. 10, 2011); *Abbey v. Hawaii Employers Mut. Ins. Co.*, 2010 WL 4715793, at \*\*1-2 (D.HI. Nov. 15, 2010); *G. v. Hawaii*, 2010 WL 267483, at \*\*1-2 (D. HI. June 25, 2010); *Wilkins v. Ahern*, 2010 WL 3755654 (N.D. Cal. Sept. 24, 2010); *Lombardi v. Tri West Healthcare Alliance Corp.*, 2009 WL 1212170, at \*1 (D. Ariz. May 4, 2009).

1 The Court considered the Motion and the documents sought to be sealed and finds Exhibits  
2 A and B (ECF No. 121) contain Plaintiff's medical records and declarations of NDOC's staff that  
3 includes personal information. These Exhibits are properly sealed.

4 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to File Exhibit A  
5 and B to Which Relevant to the Reply Under Seal (ECF No. 122) is GRANTED.

6 IT IS FURTHER ORDERED that Exhibits A and B (ECF No. 121) in support of Plaintiff's  
7 Reply to the Updated Notice to the Court Regarding Compliance With Court Order (ECF No. 120)  
8 shall remain sealed.

9 DATED this 8th day of February, 2023.

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11 ELAYNA J. YOUCHAH  
12 UNITED STATES MAGISTRATE JUDGE  
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